Reg. No. M. 1175

678

# The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 85] BANGALORE, THURSDAY, JULY 20, 1950 [No. 29

## PART IV

### Section I-C

**NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.**

## NOTIFICATION

No. L.D. 810—Legis. 4-50-24, dated Bangalore, 23rd June 1950.

Ordered that the accompanying Notification No. 14 (102) Cus./50, dated 8th March 1950 of the Ministry of Rehabilitation, amending the Administration of Evacuee Property (Central) Rules, 1949, published in the *Gazette of India*, dated the 18th March 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
*Legal Remembrancer and Secretary to Government, Law Department.*

GOVERNMENT OF INDIA

## MINISTRY OF REHABILITATION

### NOTIFICATION

*New Delhi, the 6th December 1949*

*No. 14 (102) Cus./49.*—In exercise of the powers conferred by Section 53 of the Administration of Evacuee Property Ordinance, 1949 (No. XXVII of 1949), the Central Government is pleased to make the following Rules, namely:—

1. *Short Title.*—These Rules may be called the Administration of Evacuee Property (Central) Rules, 1949.

2. *Definitions.*—In these Rules:—

(*a*) "The Ordinance" means the Administration of Evacuee Property Ordinance, 1949 (Ordinance No. XXVII of 1949).

679

(*b*) "Form" means a form appended to these rules.

(*c*) "Section" and "sub-section" mean, respectively, a Section and a sub-section of the Ordinance.

(*d*) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Ordinance.

3. *Conditions of service of the Custodian General and other officers.*— (1) The Custodian General and all Officers appointed by or under him shall, subject to any special contract to the contrary, be governed by the Central Service Rules applicable to the class of officers to which the Custodian General or such officers belong.

(2) If any question arises as to which class of officers the Custodian General or such officers belong the decision of the Central Government shall be final.

4. The Central Government may appoint as many Deputy and Assistant Custodians General as it may deem necessary to assist the Custodian General in the discharge of his functions. Such Deputy and Assistant Custodians General shall perform such functions as the Custodian General may assign to them.

5. *Manner of enquiry under Section 7.*— (1) After a survey of any property is made and the Custodian is satisfied that his information and the survey *prima facie* disclose that the property or any interest therein is evacuee property, he shall cause a notice to be served, in Form No. I, on the person claiming title to such property or interest and on any other person or persons whom he considers to be interested in the property.

(2) The notice shall, as far as practicable, mention the grounds on which the property is sought to be declared evacuee property and shall specify the provision of the Ordinance under which the person claiming any right to, or interest in, such property is alleged to be an evacuee.

(3) The notice shall be served personally, but if that is not practicable, the service may be effected in any manner provided in Rule 25.

(4) When a notice has been duly served, and the party called upon to show cause why the property should not be declared as evacuee property, fails to appear on the date fixed for hearing, *ex-parte* proceedings shall be taken against him and an order passed on the material before the Custodian.

(5) If such party appears and contests the notice he shall forthwith file a statement properly verified, stating the reasons why he should not be deemed to be an evacuee and why the property or his interest therein should not be declared as evacuee property. Any person or persons claiming to be interested in the enquiry or in the property being declared as evacuee property, may file a written statement in reply. The Custodian shall then, either on the same day or on any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which the party appearing to show cause may produce and also evidence which the party claiming to be interested as mentioned above may adduce.

(6) After the whole evidence has been duly recorded in a summary way the Custodian shall proceed to pronounce his order. The order shall state the points for determination, and the findings thereon with brief reasons.

6. *Notification of Evacuee property under sub-section (3) of Section 7.*— (1) The Custodian, after holding such enquiry, as he deems fit and on being satisfied that a particular property is evacuee property, shall notify the same in the Official Gazette or in any local newspaper or on the Notice Board kept for that purpose in his office. In the last mentioned case, the Custodian may in addition, affix a copy of the notification on the evacuee property.

680

(2) The notification shall give full particulars of the property regading the location, Municipal numbers, etc. In case of agricultural land, it shall specify, as far as possible, its khasra number and the village where it is situated. The notification shall be in Form No. 2. Any error or irregularity in the drawing up or the publication of the Notification shall not be deemed to detract from the validity of such a notification or otherwise afford a valid defence to claim of the Custodian to the property as having vested in him.

(3) A list of all such evacuee property brought up-to-date in each Province/ State shall be published once a year.

7. *Notice to surrender possession under sub-section (4) of Section 8.*—On the publication of a notification under Rule 6,[1] a notice demanding surrender of possession may be served on the occupant of evacuee property, calling upon him to surrender possession to the Custodian or a person authorised by him in this behalf within the time specified in the notice, provided that in emergent cases, the Custodian may require the occupant to give up possession immediately and the premises may be sealed at once. This notice shall be in Form No. 3 and shall be signed by an officer not below the rank of Assistant Custodian.

8. *Procedure under Section 9.*—(i) Where a notice has been duly served on the occupant of the property under Rule 7 and the possession is not delivered as required, a warrant of eviction in Form No. 4 under the signature of the officer who issued the notice or any other officer not below the rank of a Deputy Custodian may issue. One copy of the warrant shall be forwarded to the Officer-in-charge of the Police Station concerned or such other officer as may be in charge of carrying out evictions, who shall forthwith take steps to effect the eviction with the use of such force as may be necessary.

(ii) Every police officer to whom a warrant of eviction is sent for eviction shall submit a weekly report to the Deputy Superintendent of Police having jurisdiction and a copy thereof to the Custodian, giving details of number of warrants entrusted to, as well as executed by him together with such other particulars as may be necessary.

(iii) A register of warrants shall be maintained by the Custodian and this register shall contain the following particulars :—

(*a*) Name of owner,
(*b*) Description of property,
(*c*) Name of warrantee,
(*d*) Date of issue and service of surrender notice,
(*e*) The final result.

(iv) The Custodian, the Additional Custodian or the Authorised Deputy Custodian of his own motion or on the motion of the party aggrieved, may stay the eviction proceedings pending disposal of the appeal against the order declaring the property to be evacuee property.

9. *Mode of taking possession of immovable property.*—(i) Where any evacuee property, which vests in the Custodian, is in the possession of either the evacuee himself or any other person, whether holding on behalf of or under, the evacuee or otherwise, having no lawful title to the possession of such property enforceable against the Custodian, possession may be taken by evicting the person in possession of such property in accordance with the manner provided in the Ordinance and these Rules.

---

1. Modified by Corrigenda, dated 25th March 1950.

681

(ii) Where such property is, at the time aforesaid, in the possession of one or more tenants or one or more lessees or licensees whom the Custodian cannot eject or, for any reason, does not want to eject, possession may be taken by serving on the tenants or the lessees or the licensees a notice directing them to pay the rent or the lease money or the licence fee, as the case may be, to the Custodian or to any person authorised by him to receive such payment. The notice may be served in any manner provided in Rule 25.

(iii) Where such property is an undivided share in joint property :

(*a*) If under some arrangement *inter se* the co-sharers, the evacuee was in separate possession of any part of the joint property, possession may be taken of such part in accordance with the manner provided in sub-rule (i) or sub-rule (ii), whichever is applicable.

(*b*) In other cases, constructive possession may be taken by affixing a copy of the warrant for possession on a conspicuous part of the property, and if considered necessary by proclamation by beat of drum in the locality in which the property is situated.

10. *Mode of taking possession of tangible movable property.*—Where the property to be taken possession of is tangible movable property, the possession may be taken by actual seizure and after such seizure the Custodian may either keep the property in his own custody or entrust it to a superdar on the latter furnishing security in Form No. 5. Provided that where the property is subject to speedy or natural decay or the expense of keeping it is likely to exceed its value, the Custodian may sell it, forthwith.

11. *Mode of taking possession of other movable property.*—(i) Where property to be taken possession of is a debt or a legacy or interest payable on a debt or a legacy, possession may be taken by serving the party liable with a notice, requiring such party to pay the same to the Custodian or any other person authorised by him to receive the payment.

(ii) Where such property is a share in some joint-stock company, not being a joint-stock company referred to in sub-clause (2) (ii) of clause (f) of Section 2 of the Ordinance, possession may be taken by informing the principal officer of such company that the share has vested in the Custodian.

(iii) Where such property consists of Government or other securities, stock, or debentures, possession may be taken by serving the appropriate authority with notice requiring such authority to make all payments in respect of such securities, stock, or debentures to the Custodian or any other person authorised by him in this behalf.

12. *Preparation of inventory of movable property.*—Where the Custodian takes possession of any movable property including any stock-in-trade or plant or machinery or any undertaking, he shall prepare an inventory of the property in Form No. 6, in triplicate, in the presence of not less than two residents of the locality. The inventory shall be signed by the Custodian and each of the two witnesses. One copy of the inventory shall be made over to the superdar (if any) and two copies shall be sent to the Custodian.

13. *Cancellation or variation of leases and allotments.*—(1) The Custodian shall not ordinarily vary the terms of a lease subsisting at the time he takes possession of immovable property or cancel any such lease or evict a person who is lawfully in occupation of such property under a lease granted by the lessor before he became an evacuee and not in anticipation of becoming an evacuee unless the Custodian is satisfied that the lessee has done or omitted

to do something which renders him liable to eviction under any law for the time being in force.

(2) In case of a lease or allotment granted by the Custodian himself, the Custodian may evict a person on any ground justifying eviction of a tenant under any law relating to the control of rents for the time being in force in the Province or the State concerned, or for any violation of the conditions of the lease or the allotment.

(3) The Custodian may also evict a person who has secured an allotment or a lease by misrepresentation or fraud or is found to be in possession of more than one evacuee property or in occupation of accommodation in excess of his requirements.

(4) Before cancelling, or varying the terms of a lease or before evicting any lessee the Custodian shall serve the person or the persons concerned with a notice to show cause against the order proposed to be made and shall afford him a reasonable opportunity of being heard.

(5) Nothing in this rule shall be deemed to take away or limit the power of the Custodian to cancel, or vary the terms of a lease relating to evacuee property, or to evict a lessee of such property where he is of the opinion that, for reasons to be recorded in writing it is necessary or expedient to do so for the preservation, or the proper administration or the management of such property.

14. *Procedure for restoration of property.*—(1) A person applying for restoration of evacuee property shall mention in the application the names of the persons interested in the property sought to be restored and the facts on which the claim for restoration is based.

(2) The application shall be verified in the same manner as a plaint under the Code of Civil Procedure.

(3) The application shall be accompanied by a certificate from the Central Government as provided in the Proviso to sub-section (1) of Section 16.

(4) A notice of the application shall be given to the party or parties named therein and any other person who may otherwise appear to the Custodian to be interested in the property.

(5) A public notice of the application shall also be issued in a local daily newspaper at the expense of the applicant.

(6) The applicant shall, before any order for restoration is made, produce a "No demand certificate" from the relevant branches of the office of the Custodian.

(7) On the date fixed, the Custodian shall hold an enquiry as nearly as may be in the manner prescribed in Rule 5 into the matters raised in the application for restoration or in any written statement filed by any other party.

15. *Enquiries under Section 19.*—A notice under Section 19 shall briefly specify the grounds on which, and the provision of the Ordinance under which a person is called upon to show cause why he should not be declared an "intending evacuee". Subject to this rule, the same procedure as is laid down in Rule 5 will be followed in an enquiry under the aforesaid section.

16. *Enquiries under Section 22.*—(1) If an intending evacuee contravenes the directions given to him by the Custodian or acts contrary to any of the provisions of Chapter IV of the Ordinance the Custodian shall serve him with

683

a notice to show cause why his property or properties should not be taken over as evacuee property.

(2) After a notice has been served as provided in Rule 25, if the person fails to appear on the date specified in the notice, the Custodian shall proceed to give his findings *ex-parte*.

(3) If the party appears and puts in objections, his objections shall be decided after giving him a reasonable opportunity of adducing evidence in support of his objections. The custodian may, in his discretion, allow any other party to produce evidence in rebuttal of such evidence and may himself call such evidence as he deems fit.

(4) After hearing all the evidence the Custodian shall proceed to pronounce his order.

17. *Enquiries under Section 23.*—(1) An enquiry under Section 23 may be initiated either on an application made by any person conversant with the facts of the case or on information otherwise received by the Custodian.

(2) Such enquiry shall not be held by an officer below the rank of a Deputy Custodian.

(3) An application for an enquiry under the aforesaid Section shall, as nearly as may be, be in the form of a plaint under the Code of Civil Procedure.

(4) On receipt of an application or information as aforesaid, a notice, accompanied by a copy of the application or a summary of the information as the case may be, shall be served on the intending evacuee concerned to show cause why he should not be required to pay up the deficiency in the value of the property.

(5) The procedure laid down in the Code of Civil Procedure for the trial of civil suits shall, as far as possible, be followed in the proceedings subsequent to the service of the notice here-in-before mentioned.

18. *Procedure for the confirmation of transfers under Section 38.*—(1) An application for confirmation under sub-section (2) of Section 38 shall contain the following particulars, namely :—

(*a*) Boundaries, Municipal number and location of the property and also Khasra number in case of agricultural land.

(*b*) Particulars of transfer sought to be confirmed including the dates of the transfer and registration, if any, the addresses of the parties and the consideration paid or deferred.

(*c*) Particulars of any previous transfers in respect of the property.

(*d*) The name and the address of the person in possession of the property transferred and the capacity in which such person is in possession.

(2) The application shall be verified in the manner prescribed in the Code of Civil Procedure, 1908 for verification of pleadings and shall be accompanied by a copy of the transfer deed in question and also a schedule containing the particulars of any other property owned, possessed or transferred by the transferor after 1st March, 1947.

(3) The application shall be presented by the transferor or the transferee personally or by his duly authorised agent or pleader.

(4) The Custodian shall cause a notice in Form No. 7 to be served on the transferor or transferee, as the case may be, and may further cause a similar

684

notice to be served on any person whom the Chstodian ronsiders to be interested in or likely to be affected by, the result of the application.

(5) A public notice shall also be published in a daily newspaper at the expense of the applicant.

(6) If any application referred to in sub-rule (1) is pending on the date of the publication of these Rules, the applicant may within thirty days from such date of publication of the Rules, or on the order of the Custodian, within the period specified therein amend his application so as to bring it in conformity with these Rules and may also make up the deficiency in Court Fee stamp within the period aforesaid. Provided that the Custodian on sufficient cause being shown may extend the period prescribed by this sub-rule.

(7) In case the applicant fails to amend the application in accordance with sub-rule (6) of this Rule, the Custodian may dismiss the application or proceed to decide it on the materials before him.

(8) After notices are served in accordance with the provisions of sub-rules (4) and (5) the Custodian shall proceed to determine the application after a summary enquiry.

(9) If a party making an application fails to appear on the date fixed when the case is called for hearing, the Custodian may dismiss the application for default or proceed to decide the application on the materials before him in the absence of the party.

(10) Where the application is dismissed under sub-rule (9) the applicant shall be precluded from making a fresh application on the same facts with respect to the same property. But the applicant may apply within thirty days from the date the order of dismissal is communicated to him for an order setting aside the dismissal and the Custodian, if he is satisfied that there was sufficient cause for non-appearance when the case was called for hearing, shall make an order setting aside the order of dismissal upon such terms, as he thinks fit and shall fix a date for proceeding with the application.

(11) The Custodian shall refuse to confirm any transfer which he has reasonable grounds to believe to be colourable or benami.

19. *Mode of attachment under sub-section (3) of Section 19.*—(1) Immovable property may be attached by sealing the premises (if necessary) and also by serving a prohibitory order on the person interested not to deal with the property in any manner, whatsoever. A copy of such prohibitory order shall simultaneously be affixed on some conspicuous part of the property in question. In case of agricultural land, attachment shall be effected by serving on the person interested a prohibitory orders as provided above, and by proclaiming the fact of attachment by beat of drum in the revenue estate in which such land is situated. Intimation about the attachment may also be sent to the Collector of the District in which the land is situated.

(2) Attachment of movable property capable of immediate physical possession shall be effected by actual seizure of such property. Where, however, the property to be attached does not admit of such possession, it may be attached in any manner privided in Order XXI, Rule 44 to 49 of the Code of Civil Procedure, according as the nature of the property may permit. In case of property attached by means of actual seizure, the Custodian may make such order as he thinks just and convenient for its custody. Where, however, the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, he may sell it at once. In such a case, the sale proceeds shall be treated as the property attached.

685-

(3) Where the movable property attached consists of cash or ornaments or other valuables, the Custodian may make such order as he thinks fit for its preservation during the intervening period.

(4) Where, the movable property attached consists of merchandise or stock-in-trade, the Custodian shall without any unreasonable delay, have (where it is possible) an inventory made of the goods attached and also have an estimate made of their approximate value. Where it is not possible or convenient to have an inventory of the goods prepared, the Custodian may only have them evalued. In such cases, the Custodian shall make over the goods to the person claiming title thereto or found in possession thereof on his furnishing security for their estimated value.

(5) Where a business is the subject-matter of an enquiry, the allegation being that the business is evacuee property, the Custodian may call upon the person in possession of the business establishment to furnish security for its estimated income for a period of one year or such lesser period as he deems fit and on his furnishing security shall allow him to continue the business. In case of the expiration of the period of one year before the conclusion of the enquiry, the Custodian may ask for security for a further period. The business premises may be sealed if the required security is not furnished within the period specified by the Custodian and may be handed over to a caretaker on his furnishing the requisite security :

Provided that no business or residential premises shall be kept under seal for any period beyond that which is strictly necessary.

20. *Enforcement of claims to attached property.*—All claims to attached property, shall be determined by the Custodian and paid out *pro-rata* by him out of the income or sale proceeds of the property under attachment, provided always that the dues payable to the Custodian will be a first charge on such attached property.

21. *Management of Trust properties.*—Trust properties like other evacuee properties may be managed by the Custodian but in case of a public trust of religious or charitable nature, recourse may be had to Section 92 of the Code of Civil Procedure, if the circumstances so require.

22. *Lease of evacuee property.*—Any evacuee property may be leased out by the Custodian for a reasonable period.

*Explanation* :—The expression reasonable period means a period not exceeding three years in the case of agricultural lands and five years in the case of industrial concern.

23. *Method of payment of amounts due to the Custodian.*—(1) Rents, rates, lease-money, sale proceeds and other amounts payable to the Custodian in respect of evacuee property under the Ordinance or under these Rules shall be tendered in cash or by postal money order to the Cashier in the office of the Custodian or to any other person who may be authorised by the Custodian in this behalf to receive such money.

(2) The person receiving the money on his behalf shall issue a receipt in Form No. 8. Receipts issued by the person making realisation on behalf of the Custodian on the spot shall, however, be prepared in Form No. 9 by carbon process by using double-sided carbon paper.

686

(3) Crossed cheques may, at the discretion of the Custodian, be accepted. In case of out-station cheques, the amount on account of bank commission should also be added to the amount due to the Custodian. No receipt for any cheque shall be a valid discharge of any liability unless the cheque is cashed.

24. *Administration charges and Custodian Fee.*—(1) A fee equivalent to 10 per cent of gross realisation made from evacuee property shall be charged as administration charges. This fee shall be in addition to the expenses incurred on the maintenance and repairs and other expenditure which may be incurred directly or indirectly on behalf of the evacuee and shall be levied on the date to be prescribed by the Ministry of Rehabilitation.

(2) When any movable evacuee property is returned under Section 16 administration charges equivalent to 10 per cent of the assessed value of the property shall be charged over and above other charges which may have been actually incurred on maintenance, transport or storage of the same.

25. *Manner of service or publication of notice, summons or order.*—Service or publication of any notice, summons or order under the Ordinance or under these Rules shall be effected in one or more of the following modes namely :—

(1) by giving or tendering it to the person concerned or his manager or agent, if any.

(2) by leaving it at the last known place of business of the person concerned or by giving or tendering it to some adult member of the family.

(3) by sending the notice, summons or order by registered post.

(4) by affixing the notice, summons or order on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily newspaper or by proclamation by beat of drum in the locality.

26. *Issue of certificates for restoration of property under Section 16.*—No certificate under section 16 shall be issued if the property in question, in the opinion of the authority competent to grant such certificate, is required for any rehabilitation purpose.

27. *Reference to a Civil Court under Section 16.*—The Custodian may refer the applicant to a Civil Court for the determination of his claim and title to the property where there is more than one claimant or where the matter is complicated and it is not in the interests of the parties to have the necessary adjudication in a summary enquiry.

28. *Examination of witnesses.*—The Custodian shall be entitled to issue a commission for recording statement on oath of any person, as provided in Order XXVI of the Code of Civil Procedure.

29. *Appeals—Review—Revisions.*—(1) All appeals under the Ordinance shall, when they lie to the specially designated District Judge or the Custodian, be filed within thirty days of the date of the order appealed against and when they lie to the Custodian General, within sixty days of such date.

(2) The petition of appeal shall be presented in person or through a legal practitioner or a recognised agent when the appeal lies to the Custodian or a specially designated District Judge. Where an appeal lies to the Custodian General the petition of appeal may be sent by registered post.

687

(3) Every petition shall state succinctly the grounds on which the order appealed from is attacked and shall be accompanied by a copy of such order unless the appellate authority dispenses with such copy.

(4) Except as otherwise expressly provided in the Ordinance or in these Rules, the procedure laid down in Order XLI of Civil Procedure Code shall, so far as applicable, apply to the hearing and the disposal of appeals under the Ordinance.

(5) Any petition for revision when made to the Custodian shall ordinarily be filed within thirty days of the order sought to be revised, while a petition for revision when made to the Custodian General shall ordinarily be made within sixty days of such date. The petition shall be presented in the same manner as a petition of appeal when it is made to the Custodian but it may be sent by registered post when made to the Custodian General. The petition shall be accompanied by a copy of the order sought to be revised and when made to the Custodian General by also a copy of the original order unless the appellate authority dispenses with the production of any such copy.

(6) An application for review of any order may be made within thirty days of the date of such order and shall be presented either in person or through a legal practitioner or a recognised agent.

(7) The provisions of Sections, 4, 5 and 12 of the Indian Limitation Act of 1908, shall, so far as they are applicable apply in computing the period of limitation' provided in this rule.

(8) A notice of any appeal, revision or review may be given, in addition to the persons concerned, to any other person who, in the opinion of the authority hearing the appeal, the revision or the review, may be interested in the same.

(9) Any authority hearing any appeal or revision may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or for a fresh decision, as such authority may deem fit.

30. *Court Fees.*—The following fees shall be payable in respect of petitions, applications and appeals under the Ordinance as indicated against each :—

| | Rs. |
|---|---|
| (1) *Appeals*— | |
| (i) to the Custodian General .. .. .. .. .. .. | 20/- |
| (ii) to the Custodian, Additional Custodian or the specially designated District Judge .. .. .. .. .. .. .. | 10/- |
| (2) *Petitions*— | |
| (i) for revision when made to the Custodian General .. .. .. .. | 10/- |
| (ii) for revision when made to the Custodian or Additional Custodian .. .. | 5/- |
| (iii) for review .. .. .. .. .. .. .. .. | 5/- |
| (3) *Applications*— | |
| (i) Under Section 16 for restoration of property .. .. .. .. .. | 10/- |
| (ii) Under Section 38 for confirmation of transfer— | |
| (a) where the consideration for the transfer does not exceed Rs. 1,000 | 2/- |
| (b) where the consideration for the transfer exceeds Rs. 1,000, but does not exceed Rs. 5,000 .. .. .. .. .. .. | 5/- |
| (c) where the consideration for the transfer exceeds Rs. 5,000, but does not exceed Rs. 10,000 .. .. .. .. .. .. | 10/- |
| (d) in all other cases .. .. .. .. .. .. .. | 20/- |

1. Modified by corrigendum, dated 25th March 1950.

689

| | Rs. |
|---|---|
| (4) Applications under section 23 for an intending evacuee being called upon to pay up the deficiency in the consideration paid by him for an evacuee's property in Pakistan .. .. .. .. .. .. | 5/- |
| Application for a copy .. .. .. .. .. .. .. .. | -/2/- |
| Applications not otherwise provided for— | |
| (a) when made to the Custodian General .. .. .. .. .. | 2/- |
| (b) when made to any other officer .. .. .. .. .. .. | 1/- |

No officer authorized to receive any appeal, petition or application shall receive the same unless it bears a court-fee stamp of the value provided for in this rule.

31. *Basic record of property to be maintained in Property Section.*—(a) *Record of immovable property.*—All immovable property taken possession of by the Custodian shall be recorded in Registers in Form No. 10. Similar Registers shall be maintained with respect to properties of Intending Evacuees.

(b) *Record of movable property.*—All movable property taken possession of by the Custodian shall be recorded in a Register in Form No. 11 and a slip in Form No. 12 shall be attached to each article. The Officer entrusted with the custody of such property shall be responsible for its safe custody and for protecting it from loss, damage or deterioration. He shall maintain a suitable record of the property taken into custody with a view to facilitate check at any time of the articles in hand with those shown as such in the Registers. He shall also arrange for periodical physical verification of the articles in hand.

(c) *Record of valuables.*—The account books, title deeds and other valuables and documents taken possession of by the Custodian shall be noted in the Register of Valuables in Form No. 13 and a slip in Form No. 12 shall be attached to each article.

*Note.*—When any property is disposed of by sale or otherwise the details of disposal shall be entered in the appropriate columns of the relevant registers.

32. *Powers for Managers.*—The Manager appointed under sub-section (2) of Section 10 shall act under the general supervision and control of the Custodian and may exercise such powers as may be delegated in writing to him by the Custodian from time to time.

33. *Fees for inspection and copies.*—(1) The following fees shall be payable by a person desirous of obtaining any copy from any record maintained under the Ordinance or these Rules :—

| | Rs. |
|---|---|
| (a) Certifications of receipt of cash or duplicate Challan .. .. .. .. | 1/- |
| (b) Copy of any final original order passed by a Custodian. Challan .. .. .. | 2/- |
| (c) Copy of final order passed on appeal, revision or review .. .. .. | 3/- |
| (d) Copy of any application, objection petition, affidavit or statement made by a party or a witness .. .. .. .. .. .. .. | 3/- |
| (e) Any other document .. .. .. .. .. .. .. | 4/- |

*Notes.*—(i) The amounts shall be paid in court fee stamps which shall be cancelled and punched straightaway.

(ii) Any person interested in any evacuee property may, with the permission of the Custodian, inspect the record relating to such property on pay-

840

ment of Rs. 5 in court fee stamps. Any person interested in any original case, appeal, revision or review pending before the Custodian General, or any Custodian may, with the permission of such officer, inspect the record of such case on payment of a similar fee.

(iii) Such officer may authorise a person inspecting to take short notes (not verbatim in pencil).

34. *Forms.*—(*a*) Books of accounts and registers shall be printed, strongly bound and machine page-numbered before being brought into use.

(*b*) Stock account of all account registers, books and forms shall be maintained in Form No. 14. The receipt books shall be kept in the personal custody of the Officer-in-charge of the Cash Section.

35. *Seal.*—The Custodian General and the Custodian shall have a seal which will bear the words Custodian General/Custodian of Evacuee Property.

36. *Restitution.*—When any property taken into possession as an evacuee property is subsequently declared by the Custodian or any other competent authority to be a non-evacuee property, the Custodian may, on the application of any party entitled to the actual possession thereof, take such action as will place the parties in the same position in which they were on the date of possession. For this purpose, the Custodian may order the person in occupation of the property to vacate the same and the Custodian may use such force or authorise the use of such force, as may be necessary for the purpose.

691

FORM No. 1

[*See* Rule 5 (1)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION

*Office of the Custodian of Evacuee Property*

NOTICE

Dated 19 .

To

Shri.....

.....

.....

WHEREAS there is credible information in possession of the Custodian that you are an evacuee under clause (iii) of Section 2 (*d*) of the Administration of Evacuee Property Ordinance on account of the grounds mentioned below:

AND WHEREAS it is desirable to hear you in person;

NOW, THEREFORE, you are hereby called upon to show cause (with all material evidence on which you wish to rely) why orders should not be passed declaring you an evacuee and all your property as evacuee property under the provisions of the said Ordinance.

The hearing of your case is fixed before the undersigned in Room No..... on.....19 at.....

*Grounds.*—Acquisition of evacuee property by way of allotment in Pakistan (as an illustration).

Deputy
——— Custodian.
Assistant

---

FORM No. 2

[*See* Rule 6 (2)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

NOTIFICATION

Dated 194 .

In pursuance of sub-section (3) of section 7 of the Administration of Evacuee Property Ordinance, 1949, the Custodian for the Province of is pleased to notify for general information the list of the evacuee properties specified in the schedule annexed hereto, which have vested in him.

SCHEDULE 892

| Serial No. | Description | Locality |
|---|---|---|
| | | |

Custodian of Evacuees' Property.

---

FORM No. 3

[*See* Rule 7(1)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Notice under sub-section (4) of Section 8 of the Administration of Evacuee Property Ordinance, 1949.

WHEREAS the undermentioned property has vested in the Custodian under section 8 of the Administration of Evacuee Property Ordinance, 1949, I hereby demand that the possession of the said property be surrendered by you to me or to
authorised by me, by failing which you will be evicted from the undermentioned premises, with such force as may be necessary for the purpose.

| Serial No. | Description | Locality |
|---|---|---|
| | | |

Custodian of Evacuees' Property.

Dated :

To

.....

.....

---

FORM No. 4

[*See* Rule 8(1)]

WARRANT OF EVICTION

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Warrant of Eviction under Section 9 of the Administration of Evacuee Property Ordinance, 1949.

693

WHEREAS a notice in writing dated in which a demand to surrender the possession of undermentioned property was made to

AND WHEREAS he has refused or failed to vacate the said property.

NOW, THEREFORE, in exercise of the powers vested in me by Section 9 of the said Ordinance, I hereby order that be evicted forthwith from the said property and the same be taken into possession. I also order the use of such force as may be necessary for the purpose of eviction and for taking the property into possession.

Given under my hand and Seal this day of 194

Custodian of Evacuees' Property.

| Serial No. | Description | Locality |
|---|---|---|
| | | |

## THE FORM OF THE BOND

### FORM No. 5

(*See* Rule 10)

GOVERNMENT OF INDIA

### MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

KNOW ALL MEN BY THESE PRESENTS that we (Superdar) and (Surety) do hereby bind ourselves and each of us, our and each of our heirs, executors and administrators to pay to the Governor-General of India on demand the sum of Rs.

Dated this day of , 194 .

WHEREAS the above bounden (Superdar) has been entrusted by the Custodian of Evacuees' Property hereinafter called 'the Custodian' with the custody of the property mentioned in the Schedule hereunder written;

NOW the condition of the abovewritten bond is such that if the above-bounden (Superdar) shall duly hand over to the Custodian whenever demanded by him, the property, mentioned in the Schedule hereunder written in good order and condition and shall duly account for any loss which the owner of the property may suffer by reason of any default or neglect on his part and shall, until delivery to the Custodian as aforesaid property maintain and take care of the said property and shall obey all orders of the Custodian in respect thereof then and in such case the abovewritten obligation shall be void and of no effect; otherwise it shall be and remain in full force and virtue.

6 94

The Schedule above referred to

Signed and delivered by the above-bounden (Superdar) in the presence of

Signed and delivered by the above-bounden (Surety) in the presence of

.....

Two witnesses

---

FORM No. 6

(*See* Rule 12)

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Dated 194 .

INVENTORY

List of properties recovered on from the House Factory/Shop/Garden of

at No.....

Mohalla City.....

| Serial No. | Name of Properties | Description |
|---|---|---|
| | | |

Witnesses

(1)

(2)

Signature of official recovering the property.

Countersignature of Assistant Deputy Custodian,

695

FORM No. 7

[*See* Rule 18(4)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

To

.....

.....

WHEREAS the transferer/transferee.....has presented an application dated.....to the Custodian for confirmation of the transfer as specified below.....

You are hereby required to be present on..... at.....in the office of the Custodian.

You may also bring any papers in your possession relevant to the inquiry.

Custodian of Evacuees' Property.

PARTICULARS OF TRANSFER

———

FORM No. 8

[*See* Rule 23 (2)]

GOVERNMENT OF INDIA

CUSTODIAN OF EVACUEES' PROPERTY.

Date.....195 .

Book No..... Receipt No.....

Received from.....

.....

.....

Rs..... Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

FORM No. 8

[*See* Rule 23 (2)]

GOVERNMENT OF INDIA

CUSTODIAN OF EVACUEES' PROPERTY.

RECEIPT FOR PAYMENTS TO GOVERNMENT

Book No..... Receipt No..... Place.....

Date.....195 .

Received from .....

.....

.....

Rs..... Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

476

896

FORM No. 9

[*See* Rule 23 (2)]

697

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Book No. Receipt No. Place

Dated :

Received from

Rs. Rupees

in cash/by cheque on account of rent/licence fee/lease money in respect of for

@ Rs.

Previous Receipt No.

Signature

Designation

FORM No. 10

[*See* Rule 31(a)] 698.

Register of immovable Property.

| Sl. No. | Locality | Municipal House No. | Ration House No. | Designation of property by name if any and by type of building, for instance residential bungalow, shop, Cinema, Theatre, mosque, Factory, etc. | Name and address of owner | Accommodation available No. and size of rooms, Store rooms verandah, kitchen bathroom, courtyard, etc. | Present condition of the building |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

| Site rent if any, payable by owner of the building | Class of accommodation | Whether Electricity or Water laid on | Present occupant (Name and Father's name or Head of Family) | Local or refugee, if refugee, occupation report filed or not. If filed, its No. and date of refugee Registration Certificate | Province or origin Western Pakistan | Authority of occupation if any (allotment or confirmation letter, with No. and date.) |
|---|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | | |

699

| Date of occupation | No. of his family members and their Ration Cards Nos. Their names, ages and relationship to the head | Description of present occupation i.e. Business, Service or other avocation | His income from Immovable property before he left Pakistan | Name of F. I. who surveyed | Name of officer who checked |
|---|---|---|---|---|---|
| 16 | 17 | 18 | 19 | 20 | 21 |
| | | | | | |

| No. and Date of tenancy deed executed | Municipal Assessment | Assessed rent (per mensem) | RESTORATION | | Remarks |
|---|---|---|---|---|---|
| | | | Date of Application | Restored on | |
| 22 | 23 | 24 | 25 | 26 | 27 |
| | | | | | |

FORM No. 12

[*See* Rule 31 (*b*)]

*MALKHANA LABELS*

Name of estate.....

Date of possession.....

Serial No. Register of Valuables.....

.....

---

FORM No. 13

[*See* Rule 31 (*c*)]

Register of Valuables

| | | |
|---|---|---|
| Serial No. | | |
| Name of estate | | |
| Reference to | Index Register | |
| | Register of Moveable Property | |
| Full particulars of property | | |
| Date of possession | | |
| Initials of the incharge | | |
| Date of disposal | | |
| How disposed of (in case of sale quote No. and date of receipt.) | | |
| Initials of the incharge | | |
| Remarks | | |

FORM No. II

[*See* Rule 31 (*b*)]

*REGISTER OF INVENTORIES OF MOVABLE PROPERTY OF*.....

Address.....

Locality.....

| Value as per report of Dy. Custodian | | | Condition in which taken over | Initials | Reference to order, if restored or lent on hire or otherwise | Reference to S. No. in the a list | Sale Proceeds Received | | | | | -Initials | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | No. and date of challan | No. and date of receipt | Amount | | | | |
| Rs. | As. | Ps. | | | | | | | Rs. | As. | Ps. | | |
| | | | | | | | | | | | | | |



1 of 2

FORM No. 14

702

[*See* Rule 34 (*b*)]

## STOCK ACCOUNT OF FORMS

NAME OF FORM

| Date | Opening balance | Received | Issued | Closing Balances | To whom issued | Signature of recipient | Remarks |
|---|---|---|---|---|---|---|---|
| *1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

C. N. CHANDRA, *Secy.*

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.